

City Engineering Department

March 12, 1993

Honorable City Council:

Re: Petition No. 2035, Continental Wood Preservers, Inc. Streets to Easement, part of Cliff between Brimson and Edgeton; also part of Brimson east of Carrie.

Petition No. 2035 of "Continental Wood Preservers, Inc." requests the conversion of part of Cliff Avenue, 50 feet wide, between Brimson and Edgeton Avenues; also part of Brimson Avenue, 70 feet wide, east of Carrie Avenue into an easement for public utilities.

The request was approved by the Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The Department of Public Works — Traffic Engineering Division has consented (in a report dated January 6, 1993) to the public street closings.

All other involved city departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Everett:

Resolved, All that part of Cliff Avenue, 50 feet wide, between Brimson and Edgeton Avenues lying westerly of and abutting the west line of Lot 279; also lying easterly of and abutting the east line of Lot 278 of "Harrah's North Detroit Subdivision of Lots 2, 3, 4, 29, 30, 31, 38, 39, 40, 60, 61 and 62 and part of Lots 5, 28, 41 and 59 of P.W. Norris and W.A. Ennis Addition to the Village of Norris, Section 9, Town 1 South, Range 12 East, Hamtramck Township," City of Detroit, Wayne County, Michigan as recorded in Liber 37, Page 48, Plats, Wayne County Records; also

All that part of Brimson Avenue, 70 feet wide, east of Carrie Avenue lying southerly of and abutting the south line of Cliff Avenue (50 feet wide); also lying southerly of and abutting the south line of Lots 273 thru 278 of "Harrah's North Detroit Subdivision of Lots 2, 3, 4, 29, 30, 31, 32, 38, 39, 40, 60, 61 and 62 and part of Lots 5, 28, 41 and 59 of P.W. Norris and W.A. Ennis Addition to the Village of Norris, Section 9, Town 1 South, Range 12 East, Hamtramck Township," City of Detroit, Wayne County, Michigan as recorded in Liber 37, Page 48, Plats, Wayne County Records; also lying northerly of and abutting the north line of the westerly 38.00 feet of Lot 58; also lying northerly of and abutting the north line of Lot 59 of the "Map and Plat of P.W. Norris and W.A. Ennis Addition to the Village of Norris, Town 1 South, Range 12 East, (Hamtramck Township)," City of Detroit, Wayne County, Michigan as recorded in Liber 3, Page 95, Plats, Wayne County Records;

Be and the same are hereby vacated as public streets and are hereby converted into a public easement of the full width of the streets, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said streets and by their heirs,

executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public streets herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated streets herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above-mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slab or driveways, retaining or partition walls, (except necessary line fence) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated streets shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such

broken or damaged utility, and further

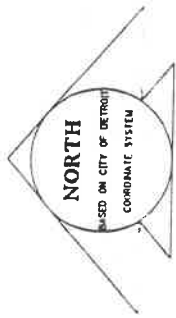
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Butler, Cleveland, Eberhard, Everett, Hill, Hood, Ravitz, and President Mahaffey — 8.

Nays — None.

1993
MARCH 31, 1994
J.C.C. Pgs. 547-48



EDGE TON AVE.

CARRIE AVE.



CONV. TO EASEMENT

CORRECTIONS NEEDED